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Social Welfare and Labour Secretariat

Notification No. SWL 37 LMW 77.

Bangalore, dated 13th September 1978.

Whereas the draft of the Karnataka Plantations (Welfare Officers) Rules, 1975, was published as required by sub-section (1) of Section 43 of the Plantations Labour Act, 1951 (Central Act 61 of 1951) in Notification No. GSR-238 (SWL 86 LBW 75) dated 4th August 1975 in Part IV Section 2-C (ii) in the *Karnataka Gazette* Extraordinary, dated 30th August, 1975, inviting objections and suggestions within six weeks from the date of publication of the said notification in the Gazette.

And, whereas the said Gazette was made available to the public on 13th August 1975;

And whereas objections and suggestions received on the said draft have been considered by the State Government;

And whereas the previous approval of the Central Government have been obtained as required under sub-section (3) of Section 43 of the said Act;

Now, therefore, in exercise of the powers conferred by Section 18 read with Section 43 of the Plantations Labour Act, 1951 (Central Act 69 of 1951) the Government of Karnataka hereby makes the following rules, namely:—

RULES

1. **Title and commencement:**—(1) These rules may be called the Karnataka Plantations (Welfare Officers) Rules, 1978.

2. They shall come into force on such date as the State Government may by notification appoint in this behalf.

2. **Definition :**—In these rules, unless the context otherwise requires:

(a) "Act" means the Plantations Labour Act, 1951 (Central Act 69 of 1951) ;

(b) The expression "Employer", "Plantation" and "Worker" shall have the meanings respectively assigned to them in the Act.

3 Number of Welfare Officers :—

(1) Within six months of the date specified in the Notification issued under sub-rule (2) of Rule 1, the employer in every plantation wherein the number of workers ordinarily employed are three hundred or more, shall appoint atleast one Welfare Officer.

(2) Wherein any plantation the number of workers ordinarily employed exceeds one thousand and two hundred, in addition, to the Welfare Officer appointed under sub-rule (1), one Welfare Officer shall be appointed for every one thousand and two hundred workers or a fraction thereof in excess of the first one thousand and two hundred workers.

(3) Wherein any plantation the number of workers exceeds one thousand and two hundred by not more than three hundred, the State Government or such other authority as the State Government may specify for the purpose may, on application except the employer in any plantation from the provisions of sub-rule (2) subject to such conditions as it or be may specify.

(4) Where there are more than one Welfare Officer in a plantation, one of them shall be designated the Chief Welfare Officer.

4. **Qualifications:**—A person shall not be eligible for appointment as a Welfare Officer in any plantation unless he :—

(a) possesses a degree of a University established by law in India ;

(b) has obtained a degree or diploma in any of the Social Sciences from any University established by law in India or any institution recognised by the State Government in this behalf ; and

(c) has adequate knowledge of the language spoken by the majority of the workers in the plantation where he is to be appointed.

Provided that in the case of a person who is acting as a Welfare Officer at the commencement of these rules, the State Government may, subject to such conditions as it may specify, relax all or any of the aforesaid qualifications.

5. Recruitment of Welfare Officers :—

(1) The post of a Welfare Officer shall be advertised by the employer in any two newspapers having *vide* circulation in the State, one of which should be an English Newspaper.

(2) The selection for appointment to the post of a Welfare Officer shall be made from among the candidates applying for the post of a Committee constituted by the employer.

(3) The appointment when made shall be notified by the employer to the State Government and the Chief Inspector of Plantations giving full details of the qualifications, age, pay, previous experience and other relevant particulars of the Officer appointed and the terms and conditions of his service.

(4) Any vacancy in the post of a Welfare Officer caused by death, dismissal, discsharge or resignation or by any other reason shall be filled up within three months of the occurrance of the vacancy.

6. Conditions of service of Welfare Officers :—

(1) A Welfare Officer shall be given appropriate status corresponding to the status of other executive heads of the plantation.

(2) The basic pay of a Welfare Officer shall not be less than Rs. 400 p.m., provided that the salary of any Welfare Officer which at the commencement of these rules is higher than the minimum prescribed in this sub-rule shall not be reduced.

(3) The conditions of service of a Welfare Officer shall be the same as those of other executive heads of corresponding status in the plantation.

Provided that, in the case of discharge or dismissal, the Welfare Officer shall have the right of appeal to the State Government whose decision thereon shall be binding upon the employer.

(4) An appeal under the proviso to sub-rule (3) shall be preferred within thirty days from the date of receipt of the order of discharge or dismissal by the Welfare Officer.

(5) No penalty shall be imposed upon a Welfare Officer by the Management unless he has been first informed in writing of the grounds on which it is proposed to take action against him and he has been afforded an adequate opportunity for defending himself.

7. Duties of Welfare Officers :—The Welfare Officer shall :—

(i) establish contacts and hold consultations with a view to maintain harmonious relations between the employer and the workers ;

(ii) bring to the notice of the employer the grievances of workers, individual as well as collective with a view to securing their expeditious redressal and to act as a Liaison Officer between the employer and the workers ;

(iii) Study the point of view of labour in order to help the employer to formulate labour policies of the plantation and interpret their polices to the workers in a language they can understand and comprehend ;

(iv) watch industrial relations with a view to using his influence in the event of a dispute arising between the employer and the workers and to help to bring about a settlement by persuasive methods and watch the working of collective agreement and the enforcement of Industrial awards ;

(v) advise the employer on statutory and other obligations concerning the application of the provisions of the Act and the rules made thereunder as well as other relevant labour laws ;

(vi) promote relations between the employer and workers so as to bring about efficiency in production as well as amelioration in the working conditions and help workers to adjust and adopt themselves to the working environments ;

(vii) advise the employer in the matter of making provisions for amenities such as canteens, recreational facilities social centres, creches, drinking water, foodstuffs, housing, sanitation and medical facilities, sickness benefits, gratuity and education of workers children etc., and on individual personal problems ;

(viii) help the employer in regulating the grant of lease with wages and other leave privileges and guide the workers in the matter of submission of applications for grant of leave and for regulating authorised absence ;

(ix) encourage the formation of workers and point production Committees, Co-operative Societies and Welfare Committees and supervise their work ;

(x) study absenteeism and labour turn-over and suggest measure to be adopted for their prevention ;

(xi) suggest measures which will serve to raise the standards of living of workers and in general to promote their well being.

(xii) deal with wage and employer matters by joint consultations with the employers and workers representative bodies; and

(xiii) perform any other duty connected with the Welfare of workers.

8. Welfare Officers not to deal with disciplinary cases or appear on behalf of the employer against workers :—

No Welfare Officer shall deal with any disciplinary cases against a worker or appear before conciliation Officer, or in a Court or Tribunal on behalf of the employer against a worker or workers except when he is required by the Conciliation Officer, Court or Tribunal to appear as an independent witness.

Provided that nothing in this Rule shall be deemed to prohibit a worker from approaching the Welfare Officer in respect of grievance arising out of any case of disciplinary action against him.a

9. Powers of exemption :—The State Government may by notification in the Official Gazette, exempt any plantation or class of plantations from the operation of all or any of the provisions of these Rules except sub-rule (1) of Rule 3 subject to such conditions as may be specified.

By Order and In the name of the Governor of Karnataka,

M. VASUDEVAIAH,

Under Secretary to Government,
Social Welfare and Labour Department.

G.S.R.—281

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